

**RESPONSE UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE
TECHNOLOGY CENTER 3700**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re application of: | § | Attorney Docket No. 31132.195 / PC1005.00 |
| Marik, et al. | § | |
| | § | Customer No. 46333 |
| Serial No.: 10/806,961 | § | |
| | § | Group Art Unit: 3738 |
| Filed: March 23, 2004 | § | |
| | § | Examiner: Miller, Cheryl L. |
| For: Constrained Artificial Spinal Disc | § | |
| | § | Confirmation No. 2351 |

Mail Stop: AF
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO FINAL OFFICE ACTION
MAILED JUNE 4, 2009

I. Introductory Remarks

The present paper is being submitted in response to the Final Office Action mailed June 4, 2009.

No fees are believed necessary for consideration of the present paper. However, if any fees are necessary—including extension of time fees—the Commissioner is hereby authorized to charge any fees, including those for the extension of time, to Haynes and Boone, LLP's Deposit Account No. 08-1394.

The **Listing of the Claims** begins on page 2.

Remarks begin on page 7.